



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN  
Docket No: 04041-13  
14 May 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 May 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

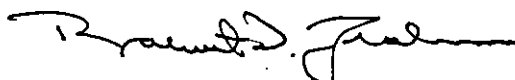
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 12 November 2003. On 30 July 2004 and 23 March 2005, you received nonjudicial punishment (NJP) for three periods of unauthorized absence (UA) totaling 24 days and making a false official statement. Additionally, you were counseled and warned after your first NJP, that further misconduct could result in administrative discharge action. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After being afforded all of your procedural rights, you were informed that the least favorable characterization of service you could receive was general. On 1 April 2005, you received a general discharge.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and contention that your current diagnosed Posttraumatic Stress Disorder (PTSD) caused your misconduct. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of two NJP's, and the fact that you were warned of the consequences of further misconduct after your first NJP. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. Concerning your contention, there is no evidence in the record, and you submitted none to support it. The Board notes that the command was actively assisting you when you were advised that assistance was available through your chain of command when counseled after your first NJP. Additionally, a medical condition does not excuse misconduct, and disciplinary action and administrative separation are appropriate. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT D. ZSALMAN  
Acting Executive Director